

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

Missouri Association of School)	
Librarians, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:23-cv-00536-SRB
)	
Jean Peters Baker, et al.,)	
)	
Defendants.)	

**DEFENDANT JEAN PETERS BAKERS' MOTION FOR CLARIFICATION OF
THE PARTY SEEKING REMOVAL AND MOTION TO CORRECT A
CLERICAL MISTAKE AS TO THE ATTORNEYS OF RECORD**

Pursuant to Fed. R. Civ. P. 60(a)-(b), Defendant Jean Peters Baker Prosecuting Attorney for Jackson County, Missouri, respectfully submits this Motion for Clarification of the Party Seeking Removal and Motion to Correct a Clerical Mistake as to the Attorneys of Record and states as follows:

1. On February 16, 2023, the Missouri Association of School Libraries and Missouri Library Association (collectively, Plaintiffs) filed a defendant class action lawsuit against Jean Peters Bakers, in her official capacity as Jackson County Prosecuting Attorney and on behalf of a defendant class of all Missouri Prosecuting Attorneys.

2. Plaintiffs filed their lawsuit in the Circuit Court of Jackson County, Missouri (state court): *Missouri Association of School Librarians et al., v. Jean Peters Baker*, 2316-CV05732.

3. The state court entered an order certifying the defendant class of all Missouri Prosecuting Attorneys and appointed Jackson County Prosecutor, Jean Peters Baker, in her official capacity, as representative of the Defendant Class on June 23, 2023.

4. On July 21, 2023, Scott Fox, on behalf of Locke Thompson Cole County Prosecuting Attorney Defendant Class Member, entered an appearance in the state court proceedings. Doc. 1-5.

5. Scott Fox, on behalf of Defendant Class Member Locke Thompson, subsequently filed a notice of removal premised on federal-question jurisdiction. Doc. 1.

6. Defendant Class Member Locke Thompson did not request, nor did he receive Jean Peters Baker's consent to file the notice of removal. Rather, Thompson stated that he "may remove this action 'without consent of all defendants.' 28 U.S.C. § 1453(b)." Doc. 1, ¶12.

7. The civil docket for this case incorrectly shows Scott Fox as the attorney of record representing Defendant Jean Peters Baker.

8. Amanda R. Langenheim and Ryan Taylor, attorneys with the Jackson County Counselors Office, represent Jean Peters Baker.

9. On August 28, 2023, Plaintiffs filed a Motion to Remand with Suggestions in Support moving this Court for an order remanding the case back to the Circuit Court of Jackson County, Sixteenth Judicial Circuit as well as an award

of attorney's fees alleging there was no objectively reasonable basis for removal. Doc 6; Doc. 7.

10. Accordingly, Defendant Jean Peters Baker respectfully requests an Order from the Court clarifying:

- a. That Jean Peters Baker did not consent to or join in the notice of removal filed by Scott Fox on July 21, 2023; and
- b. That Amanda R. Langenheim and Ryan Taylor with the Jackson County Counselor's Office represent Jean Peters Baker (removing Scott Fox as the attorney on the docket sheet representing Jean Peters Baker).

Respectfully submitted,

/s/ D. Ryan Taylor

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 1, 2023, the foregoing was filed electronically with the Clerk of the court by using the CM/ECF system, and served by operation of the Court's electronic filing system upon all counsel of record.

/s/ D. Ryan Taylor

D. RYAN TAYLOR